



Attorney's Docket No. 038881/202803

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Fehring *et al.* Confirmation No.: 7387
Appl. No.: 09/660,948 Group Art Unit: 1742
Filed: September 13, 2000 Examiner: A. Wessman
For: ENHANCED BIOCOMPATIBLE IMPLANTS AND ALLOYS

September 11, 2002

Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

We, Thomas K. Fehring, John Harvie Chaffin, III, and Richard Lee Kennedy, do hereby declare and state as follows:

1. We are the inventors of the invention described and claimed in the above-referenced patent application. We have read and understand the Office Action mailed May 15, 2002 in the above-referenced application. We have also read U.S. Patent No. 5,891,191 relied upon by the Examiner as disclosing or suggesting the alloy recited in Claims 17-22 and 35-37. This Declaration is filed to establish conception and reduction to practice of the subject matter claimed in the present application prior to the April 30, 1996 filing date of the Stinson patent.

2. Prior to April 30, 1996, the filing date of the Stinson patent, we Thomas K. Fehring, John Harvie Chaffin, III, and Richard Lee Kennedy conceived and reduced to practice the alloy compounds recited in Claims 17-22 and 35-37. These alloy compositions ultimately led to the filing of the above-referenced application.

3. In support of the foregoing statement, we hereby submit the best available copy of the following document:

EXHIBIT A – Chemical Analysis Report of the alloy composition within the scope of each of the claims of the above-referenced application.

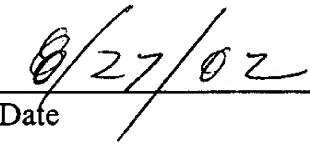
RECEIVED
U.S. PATENT AND TRADEMARK OFFICE
SEP 16 2002

Although the date has been redacted, this exhibit is dated prior to April 30, 1996, the filing date of the Stinson patent.

4. All of the work, which we completed in connection with this invention, was carried out in the United States.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Thomas K. Fehring


Date

John Harvie Chaffin, III

Date

Richard Lee Kennedy

Date

Although the date has been redacted, this exhibit is dated prior to April 30, 1996, the filing date of the Stinson patent.

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Thomas K. Fehring

John Harvie Chaffin III
John Harvie Chaffin, III

Date

9/9/02

Date

Richard Lee Kennedy

Date

Although the date has been redacted, this exhibit is dated prior to April 30, 1996, the filing date of the Stinson patent.

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Thomas K. Fehring

Date

John Harvie Chaffin, IH

Date

Richard Lee Kennedy

8/27/02

Date

TELEDYNE ALLVAC
CHEMICAL ANALYSIS REPORT

USER ID: R2001A/G917//

SPEC NO:

SUBMISSION ID:

SAMPLE ID:

APPROVED BY: RBM3261

DATE:

MINIMUM	MAXIMUM	EL	RESULT	UNIT	CONDITION	OPERATOR	DATE
.0000	.0000	MO	5.36	%		PMC1078	
.0000	.0000	W	.01	%		PMC1078	
.0000	.0000	CR	26.32	%		PMC1078	
.0000	.0000	NI	.64	%		PMC1078	
.0000	.0000	FE	.08	%		PMC1078	
.0000	.0000	CU	.01	%		PMC1078	
.0000	.0000	P	.001	%		PMC1078	
.0000	.0000	NB	.01	%		PMC1078	
.0000	.0000	TA	.01	%		PMC1078	
.0000	.0000	ZR	.01	%		PMC1078	
.0000	.0000	MN	.01	%		PMC1078	
.0000	.0000	V	.01	%		PMC1078	
.0000	.0000	TI	.01	%		PMC1078	
.0000	.0000	AL	.09	%		PMC1078	
.0000	.0000	SI	.01	%		PMC1078	
.0000	.0000	CO	67.419	%		PMC1078	
.0000	.0000	NB+TA	0.02	%		PMC1078	
.0000	.0000	AL+TI	0.1	%		PMC1078	
.0000	.0000	O	.0006	%		PMC1078	
.0000	.0000	N	.129	%		PMC1078	
.0000	.0000	O+N	0.1296	%		PMC1078	
.0000	.0000	C	.053	%		RBM3261	
.0000	.0000	S	.0006	%		RBM3261	
.0000	.0000	CA	42	PPM		PMC1078	

SAMPLE PLAN: RD-VIM

DDR:

COMMENTS:

MOT: [REDACTED] HEAT: [REDACTED] INGOT: 1

GRADE: [REDACTED] LOGGED: [REDACTED] PROD_CD: [REDACTED]

SIZE_DESC: X1 DB

TEST_SIZE: DB

CUSTOMER: DICK KENNEDY

COMMENTS:

SAMPLE_PLAN: SFS

SHIP DATE: [REDACTED]

GRAPHY SPEC WORKSHEET

ON [REDACTED] HEAT [REDACTED] INGOT [REDACTED]
LOY [REDACTED] SIZE [REDACTED] P.C. [REDACTED]
CSTOMER [REDACTED] SAMPLE PLAN [REDACTED]
SHIP DATE [REDACTED] DATE DUE [REDACTED]
ATE REC. [REDACTED] SPEC [REDACTED]

EVALUATION	PROCEDURES	COND	ACCEPTANCE CRITERIA

HEAT TREATMENT						
TEMP	TIME	COOL	P/L	COND.	LOT #	HT CODE
As Folved						

Etch per SFS. but f
exsec,

EVALUATION AND RESULTS						
MOUNT#	LOC	DIR	COND	RESULTS		B/F
IT 4352	1A	long		Sample is extremely clean with 2 carbides. There is an occasional larger particle or cluster of carbides which should not exceed 100 microns in size.		
(On Sem				There are also occasional Al oxides which are very small < 1 um		

COMMENTS:

CERTIFY:

TECHNICIAN/DATE

CC

THE RECORDING OF FALSE, FICTITIOUS OR FRAUDULENT STATEMENTS OR ENTRIES ON THIS DOCUMENT MAY BE PUNISHED AS A FELONY UNDER FEDERAL STATUTES INCLUDING FEDERAL LAW TITLE 18 CHAPTER 47.

QF 375-1A REV.A.

APPROVALS: QA

LAB

FILE NAME

2 PAGE(S) BEING TELECOPIED TO:

[REDACTED]
[REDACTED]

FAX #: [REDACTED]
DATE [REDACTED]
[REDACTED]

FROM

R. L. Kennedy
Research & Development

FAX #: (704) 289-4269
PHONE # (704) 292-7101

MESSAGE

Dear [REDACTED]

Attached are the actual chemistry analyses of the two heats of Grade 158 discussed in the *Invention Conception* notification sent to you yesterday. G917-1 is the improved composition which is essentially free of any second phase precipitation. G917-2 is the companion heat with a composition very close to our current standard production aim composition. This table also lists heat number BW87 which is, in fact, a commercial production heat. You will notice that the composition of G917-2 and the production heat are, in fact, very similar on most elements.

Additional information for the Waspaloy provisional application will follow in a separate fax.

Sincerely,



Dick Kennedy